



August 24, 2012

TO: Judicial and Legal Communities

FROM: Merrie Gough, Senior Legal Analyst

SUBJECT: SUMMARY OF CHANGES TO VULNERABLE ADULT PROTECTION ORDER FORMS

The Pattern Forms Committee updated the mandatory Vulnerable Adult Protection Order forms, instructions, and clerk’s staff handbook. The modifications are based upon Laws of 2012, ch. 156, Vulnerable Adult Protection Orders –Costs, and approved recommended changes. Detailed descriptions of the changes follow:

No.	Form No.	Title and description of changes
1.	WPF VA2.015	<p>Temporary Order for Protection and Notice of Hearing – Vulnerable Adult</p> <p>On page three, directly above the paragraph that begins, “It is further ordered that the clerk of the court . . .” insert and center the new section heading “WACIC Data Entry.”</p> <p>In the paragraph below the new section heading “WACIC Data Entry,” after the second check box, insert “City” before “Police Department <i>Where Petitioner Lives...</i>”</p> <p>On page three, under the section heading “Service” below the check boxes, add the following sentence:</p> <p><u>“Service may be done by a law enforcement agency, free of charge, a hired professional process server, or a person 18 or over who is not a party to this action.”</u></p>
2.	WPF VA3.015	<p>Order for Protection – Vulnerable Adult</p> <p>On page three, directly above the paragraph that begins, “It is further ordered that the clerk of the court . . .” insert</p>

		<p>and center the new section heading “WACIC Data Entry.”</p> <p>In the paragraph below the new section heading “WACIC Data Entry,” after the second check box, insert “City” before “Police Department <i>Where Petitioner Lives...</i>”</p> <p>Under the section heading “Service” below the check boxes, add the following sentence:</p> <p><u>“Service may be done by a law enforcement agency, free of charge, a hired professional process server, or a person 18 or over who is not a party to this action.”</u></p>
3.	WPF VAI1.015	<p>Instructions for Petition for Order for Protection – Vulnerable Adult</p> <p>On page one, in the sentence that begins “Service may be done by a. . .” insert a colon after the word “a,” add a paragraph return, and put the remainder of the sentence in bullet format, with the following changes:</p> <ul style="list-style-type: none">• <u>“Law enforcement agency, free of charge;</u>• <u>a Hired a professional process server; or</u>• <u>a pPerson 18 or over who is not a party to this action.”</u> <p>On page 6, above the section “Law Enforcement Information Sheet (LEIS),” insert the following new section:</p> <p><u>“Service of the Temporary Order</u></p> <p><u>Unless the respondent or the respondent’s lawyer was present at the hearing, this order must be served on the respondent. The respondent must know what restraint provisions are in place, when and where the hearing will occur and when the order expires.</u></p> <p><u>If you filed on behalf of a vulnerable adult, unless the vulnerable adult or the vulnerable adult’s lawyer was present at the hearing, this order must be served on the vulnerable adult. The vulnerable adult must know what</u></p>

		<p><u>restraint provisions are in place, when and where the hearing will occur and when the order expires. You must also serve the vulnerable adult's guardian, if any.</u></p> <p><u>You may choose service by:</u></p> <ul style="list-style-type: none"> • <u>A law enforcement agency, which will serve your papers free of charge.</u> • <u>A hired professional process server.</u> • <u>Another person 18 or over, who is not a party to this action.</u> • <u>Mail or publication, if the judge previously entered an order allowing service by mail or publication.</u> <p><u>You will need to provide the address for each person to be served. If you want law enforcement to serve the documents, complete the Law Enforcement Information Sheet."</u></p> <p>Under the section "Law Enforcement Information Sheet (LEIS)," change the first bullet after the first paragraph as follows:</p> <ul style="list-style-type: none"> • "It is used by Law Enforcement to locate and identify the respondent when serving documents <u>person(s) to be served with documents.</u>"
4.	WPF VAI2.015	<p><u>Instructions for Temporary Order for Protection and Notice of Hearing</u></p> <p>Change the title of the instruction as indicated, above.</p> <p>On page three under the section "Service of the Order" change the first bullet to read as follows:</p> <ul style="list-style-type: none"> • "A law enforcement agency, <u>which will serve the papers free of charge.</u>"
5.	WPF VAI3.015	<p>Instructions for Order for Protection – Vulnerable Adult</p> <p>On page three, in the section "Service of the Order," below "You may choose service by," change the first bullet as follows:</p> <ul style="list-style-type: none"> • "A law enforcement agency, <u>which will serve the papers free of charge.</u>"

		<p>Also in the section “Service of the Order,” change the last paragraph as follows::</p> <p><u>“You will need to provide the address for each person to be served. If you want law enforcement to serve the documents, complete the Law Enforcement Information Sheet.”</u></p> <p>Under the section “Law Enforcement Information Sheet (LEIS),” change the first bullet after the first paragraph as follows:</p> <ul style="list-style-type: none">• “It is used by Law Enforcement to locate and identify the <u>respondent when serving documents</u>person(s) to <u>be served with documents</u>.”
6.		<p>Court Staff Handbook on the Vulnerable Adult Protection Order Process</p> <p>Change the list of Washington Pattern Forms Committee Members to:</p> <p>“The Honorable Laura Gene Middaugh, Chair King County Superior Court</p> <p>The Honorable Gary Bashor Cowlitz County Superior Court</p> <p>The Honorable Stephen J. Holman Kitsap County District Court</p> <p>The Honorable Tracy Staab Spokane Municipal Court</p> <p>The Honorable Kim Eaton Yakima County Clerk</p> <p>June Tomioka, Project Attorney Washington Association of Prosecuting Attorneys</p> <p>Shelly Brandt, Washington State Bar Association</p> <p>Kari Reardon, Public Defender Spokane County Public Defender</p>

		<p>Rebekah Zinn, Staff Attorney Thurston County Superior Court</p> <p>Kathy Seymour, Administrator Bonney-Lake Municipal Court</p> <p>Merrie Gough, Senior Legal Analyst Administrative Office of the Courts</p> <p>On page two, below the definition of “Exploitation” add the following definition:</p> <p><u>“Financial Exploitation</u></p> <p><u>“Financial Exploitation” means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person, or entity for any person’s or entity’s profit or advantage other than for the vulnerable adult’s profit or advantage. “Financial exploitation” includes, but is not limited to:</u></p> <ul style="list-style-type: none">• <u>The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;</u>• <u>The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or</u>• <u>Obtaining or using a vulnerable adult’s property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the</u>
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		<p>“You may be required to pay the fees to serve<u>The law enforcement agency will serve your papers free of charge.</u>”</p> <p>On page 12, in paragraph 23, after the sentence “The law enforcement agency where the respondent lives usually serves the respondent,” change the next sentence as follows:</p> <p>“The law enforcement agency will serve your papers free of charge<u>You may be required to pay the fees to serve.</u>”</p> <p>Also on page 12, in paragraph 25, after the sentence, “You will need to deliver the service packet to the law enforcement agency,” change the next sentence as follows:</p> <p>“The law enforcement agency will serve your papers free of charge<u>You may be required to pay the fees to serve.</u>”</p> <p>On page 14, below the title “Persons Who Can Serve the Papers,” in the paragraph that begins, “Typically, people want a law enforcement . . .” change the last sentence as follows:</p> <p>“The law enforcement agency will serve your papers free of charge<u>You may need to pay the law enforcement service fee”</u>.</p> <p>On page 15, below the title “Cost of Service,” change the second paragraph as follows:</p> <p>“If law enforcement serves the papers, they may collect fees for service and mileage—these fees vary with each agency<u>will serve your papers free of charge.</u>”</p> <p>On page 17, change the text of section “Forwarding Papers to Law Enforcement” as follows:</p> <p>“If you want law enforcement to serve the papers on the respondent or on the vulnerable adult, if</p>
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		<p>applicable, you will need to obtain copies of the papers from the court clerk and then you will need to personally deliver the papers to law enforcement. <u>The law enforcement agency will serve your papers free of charge</u>The law enforcement agency may require a service fee. You may need to make arrangements with the law enforcement agency to pay the fee before the agency attempts to serve the respondent or the vulnerable adult. Law enforcement cannot serve outside their jurisdiction, so you <u>You will need to find out</u>determine which <u>law enforcement agency is appropriate</u>provides service to serve to the area where the respondent <u>lives</u> and <u>where</u> the vulnerable adult <u>lives</u>, if applicable.</p> <p>Whenever law enforcement serves papers, you must give them a Law Enforcement Information Sheet.”</p> <p>On page 23, change the definition of “Financial Exploitation” as follows:</p> <p>“Financial Exploitation” means the illegal or improper use, <u>control over, or withholding</u> of the property, income, resources, or trust funds of the vulnerable adult by any person, <u>or entity</u> for any person’s <u>or entity’s</u> profit or advantage other than for the vulnerable adult’s profit or advantage. <u>“Financial exploitation” includes, but is not limited to:</u></p> <ul style="list-style-type: none">• <u>The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;</u>• <u>The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the</u>
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